

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – A.P.Civil Services (Executive Branch) Rules, 1992 – Promotions of Tahsildars, Section Officers of Secretariat and Superintendents of office of the Special Chief Secretary & Chief Commissioner of Land Administration, Hyderabad as Deputy Collectors as per seniority – Promotions - Accorded - Orders – Issued.

REVENUE (SER.I) DEPARTMENT

G.O. Ms. No. 426

Dated : 05.07.2012.

Read the following :-

1. Govt., Memo No.21591/Ser.I(1)/2011-2, dated : 12.3.2012.
2. G.O.Rt.No.215, Revenue(Ser.I)Department, dated :23.3.2011.
3. G.O.Rt.No.561, Revenue (Ser.I) Department, dated :7.5.2011.
4. G.O.Rt.No.1750, Revenue(Ser.I)Department, dated:5.10.2011
5. From the Spl.C.S. & Chief Commissioner of Land Administration, Lr.No. D1/564/12, dated : 26.05.2012.

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ORDER :

In the Government Memo first cited, the Chief Commissioner of Land Administration was directed to include the name of Sri D.Ramu Naik, Section Officer for the panel year 2010-2011 in place of Sri R. Venkateshwarlu, Section Officer who has declined to join in the new post of Deputy Collector on personal grounds and also against the unfilled city list quota vacancy of Section Officers.

2. The Special Chief Secretary & Chief Commissioner of Land Administration vide letter fourth read above has informed that the D.P.C. constituted vide G.O.Ms.No.317, Revenue (Ser.I) Department, dated 15.5.2012 met on 24.05.2012. Accordingly, the matter has been placed before the DPC (in circulation) to consider the name of Sri D.Ramu Naik, Section Officer, Secretariat for promotion to the post of Deputy Collector as per his eligibility and as against the unfilled city list quota vacancy of Deputy Collectors in the panel year 2010-11, subject to outcome of orders in WPs pending and OAs in W.P.No.30925/2010 of Hon'ble High Court and O.A. No.2828/2011 of Hon'ble APAT duly deleting the name of Sri R.Venkateshwarlu, S.O., figuring at Sl.No.28 City list Roster Point No.23 as he declined to join in the new post of D.C. on personal ground and included the name of Sri D.Ramu Naik under unfilled vacancy of City List quota.

3. Sri S.Dayanand, Special Grade Deputy Collector filed OA No.8082/10 in the Hon'ble APAT and the Hon'ble Tribunal in its interim orders dated 19.11.2010 has directed to consider the recommendations of the High Level Committee to accommodate the employees who are likely to be reverted in the available vacancies and the desirability of creating supernumerary posts. Sri S.Dayanand has also filed WP No.29053/10 in the Hon'ble High Court and the Hon'ble High Court in its interim orders in WP MP No.37015/10 dated 01.12.2010 directed the respondents to effect the promotions based on the seniority list but however, shall not review the panel, pending further orders and stated that the adhoc panels of Deputy Collectors from the panel year 1998-99 and onwards have been reviewed. The Hon'ble High Court in its orders dated 16.2.2012 have dismissed the W.P.No.29053/2010 filed by Sri S.Dayanand, SGDC, directing the respondents 5 to 8 implead themselves and to file application before the Tribunal and seek appropriate orders to continue or take appropriate steps or to seek modification of the orders from the A.P.A.T., Hyderabad.

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4. The issue has been examined earlier, in consultation with the Law Department and they have advised that due to interim orders of the Hon'ble High Court, there is no objection to accord promotion to the category of Deputy Collectors, basing on the seniority list issued and not permissible to review the panels of the Deputy Collectors so long as the interim orders are in force. As per advice of Law Department the names of Tahsildars, Section Officers and Superintendents included in the panel of 2010-11 were considered for grant of temporary promotions to the category of Deputy Collectors as per seniority subject to outcome of the court cases.

5. The provisions of Rule 5 of the A.P.State & Subordinate Service Rules, 1996 is as follows:-

"SELECTION POSTS : (a) All first appointments to a State Service and all promotions / appointment by transfer in that service shall be made on grounds on merit and ability, seniority being considered only where merit and ability are approximately equal, by the appointing authority as specified in sub-rule (a) of rule 6 from the panel of candidates. Such panel shall be prepared as laid down in rule 6 by the appointing authority or any other authority empowered in this behalf.

Keeping in view of the above rule position, all promotions to the State services shall be made after approval of the DPC proceedings. In the instant case, it becomes not feasible to approve the DPC proceedings in view of the Hon'ble High Court interim orders dated: 01.12.2010 in WP.MP.No.37015/2010 in WP No.29053/2010. The Law Department has also advised to accord promotion to the category of Deputy Collectors basing on the seniority list.

6. The Government after careful examination and on the analogy of the orders issued in G.O.1st to 3rd read above, hereby accord adhoc promotion to Sri D.Ramu Naik, Section Officer, Social Welfare Department, A.P.Secretariat, Hyderabad on the basis of seniority list at Sl.No.28 as approved by the Departmental Promotion Committee meeting held on 24.05.2012 and furnished by the Spl.CS & Chief Commissioner of Land Administration letter dated 26.05.2012, for the panel year 2010-11, subject to outcome of OA No. 8082/10 and WP No. 29053/10 pending in the APAT, the High Court respectively and any other cases pending before any court of law and also subject to outcome of disciplinary proceedings pending against him.

7. The posting orders to the individual will be issued separately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ANIL CHANDRA PUNETHA
PRL.SECRETARY TO GOVERNMENT

To
The Special Chief Secretary & Chief Commissioner of Land
Administration, Hyderabad.
S.F./S.C.

// FORWARDED BY ORDER //

SECTION OFFICER